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Attorneys for Plaintiff  
JMP SECURITIES LLC

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

JMP SECURITIES LLC,

Plaintiff,

v.

ALTAIR NANOTECHNOLOGIES INC.,  
Defendant.

Case No. 3:11-cv-04498 SC

**JOINT STIPULATION TO  
DISMISS WITHOUT PREJUDICE**

Judge: Hon. Samuel Conti

Complaint Filed: September 9, 2011

1 WHEREAS, on September 9, 2011, Plaintiff JMP Securities LLC ("JMP") filed a  
2 complaint in the United States District Court for the Northern District of California against  
3 Defendant Altair Nanotechnologies LLC ("Altair") alleging claims for breach of contract,  
4 promissory estoppel, fraud, and negligent misrepresentation (the "Complaint");

5 WHEREAS, on July 23, 2011, the Court dismissed JMP's claims for promissory estoppel,  
6 fraud, and negligent misrepresentation;

7 WHEREAS, JMP and Altair (collectively "Parties") desire to avoid the distraction and  
8 expense of continuing to pursue or defend the action;

9 WHEREAS, the Parties have reached an agreement to settle all remaining claims that  
10 have been asserted in this action and those that could have been asserted;

11 WHEREAS, each party shall bear its own costs and attorneys' fees in this action;

12 NOW, THEREFORE, pursuant to Federal Rule of Civil Procedure 41(a), the Parties  
13 respectfully request that all claims in the Complaint be DISMISSED WITHOUT PREJUDICE.

14 **IT IS SO STIPULATED.**

15  
16 Dated: November 6, 2012

MORRISON & FOERSTER LLP

17 /s/ Philip T. Besirof

18 Jordan Eth

Philip T. Besirof

Attorneys for Plaintiff



PARR BROWN GEE & LOVELESS

/s/ David C. Reymann (with permission)

Jeffrey J. Hunt

David C. Reymann

Michael S. Anderson

Attorneys for Defendant

**ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1**

I, Philip T. Besirof, am the ECF User whose ID and password are being used to file this Joint Stipulation to Dismiss Without Prejudice. In compliance with Civil Local Rule 5-1, I hereby attest that David C. Reymann concurs in this filing.

Dated: November 6, 2012

MORRISON & FOERSTER LLP

/s/ Philip T. Besirof  
Philip T. Besirof